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6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA
8 WESTERN DIVISION
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10 MALVIN D. HAYS,) NO. CV 08-3058 SGL (FFM)
11 Petitioner,)
12 v.) ORDER ADOPTING FINDINGS,
13 W. J. SULLIVAN, WARDEN,) CONCLUSIONS AND
14 Respondent.) RECOMMENDATIONS OF
15) UNITED STATES MAGISTRATE JUDGE

16 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the records
17 and files herein, and the Report and Recommendation of the United States Magistrate
18 Judge. The Court concurs with and adopts the findings, conclusions and
19 recommendations of the Magistrate Judge.

20 IT THEREFORE IS ORDERED that: (1) respondent's Motion to Dismiss is
21 GRANTED; and (2) Judgment be entered dismissing the Petition with prejudice.
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23 DATED: August 11, 2009

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26 STEPHEN G. LARSON
27 United States District Judge
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